

United States District Court

for the

Western District of New York

In the Matter of the Search of

(Briefly describe the property to be searched or identify the person by name and address.)

1. 5529 Walmore Road, Lewiston, New York 14092 ("Target Premises"); and
2. 4-door 2017 red Dodge Ram pickup truck, bearing New York State license plate HUC7495 ("Target Vehicle")

Case No. 21-M-5113
(FILED UNDER SEAL)

APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property *(identify the person or describe the property to be searched and give its location)*:

1. 5529 Walmore Road, Lewiston, New York 14092 ("Target Premises"); and
2. 4-door 2017 red Dodge Ram pickup truck, bearing New York State license plate HUC7495 ("Target Vehicle")

Both of which are more fully described in Attachment A, which is attached hereto and incorporated herein by reference.

located in the Western District of New York, there is now concealed *(identify the person or describe the property to be seized)*.

See Attachment B, which is attached hereto and incorporated herein by reference

The basis for search under Fed. R. Crim. P. 41(c) is *(check one or more)*:

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to violations of 18 U.S.C. §§ 1703(a) and 1709. *[statutory violation(s)]*.

The application is based on these facts:

- ☒ continued on the attached sheet.
- ☐ Delayed notice of ____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

BRENDAN M. BOONE
SPECIAL AGENT
UNITED STATES POSTAL SERVICE/
OFFICE OF INSPECTOR GENERAL

Printed name and title

Sworn to telephonically.

Date: May 20, 2021

City and state: Buffalo, New York

Judge's signature

HONORABLE MICHAEL J. ROEMER
UNITED STATES MAGISTRATE JUDGE

Printed name and Title

AFFIDAVIT IN SUPPORT OF A SEARCH WARRANT

STATE OF NEW YORK)
COUNTY OF NIAGARA) SS:
CITY OF LEWISTON)

I, Brendan M. Boone, being duly sworn, state as follows:

1. I am a Special Agent with the United States Postal Service (USPS), Office of Inspector General (OIG), in Buffalo, NY, and have been so employed since April 2020. Before my hiring with the USPS OIG, I was employed as a Special Agent with the United States Secret Service assigned to the Washington Field Office for over three years. My duties include investigating allegations of fraud, waste, and abuse in matters involving the USPS. I am currently assigned to investigate allegations of mail theft committed by USPS employees or contractors. I have completed the Criminal Investigator Training Program at the Federal Law Enforcement Training Center in Brunswick, Georgia. I have also received additional training covering various topics, including interviewing, legal issues, search warrants, investigative techniques, and fraud investigations. I have received specialized training regarding internal mail theft, mail processing, and schemes and techniques employed by internal mail thieves. In the course of my law enforcement career, I have conducted or participated in numerous types of investigations, including counterfeit United States currency, financial crimes, identity theft, fraud, and mail theft.

2. I make this affidavit in support of an application for a warrant to search the residence, outbuildings and residential property at 5529 Walmore Road, Lewiston, New York 14092 (known hereafter as "Target Premises), and to search a 4-door 2017 red Dodge

Ram pickup truck, bearing New York State license plate HUC7495 (known hereafter as “Target Vehicle”). Target Premises includes a two-story residence with tan siding, two picture windows with black shutters on the first floor, and three smaller windows without shutters on the second floor and approximately ½ acre of property. The Target Premises and Target Vehicle are further described and depicted in **Attachment A** hereto.

3. The purpose of this application is to seize evidence, fruits and contraband, and instrumentalities of violations of Title 18 U.S.C. 1703(a) (Delay or Destruction of Mail and Newspapers) and Title 18 U.S.C. 1709 (Theft of Mail Matter by Officer or Employee).

4. The statements contained in this affidavit are based upon my training, experience and personal knowledge gained during my investigation of this matter and information provided by other law enforcement agents involved in the investigation, and information made available to me through complainant interviews.

5. Because this affidavit is being submitted for the limited purpose of establishing probable cause, I have not included each and every fact known to me relating to this investigation. I have set forth only the information I believe to be necessary to establish probable cause to believe that the items described in **Attachment B** are currently concealed at the Target Premises and in the Target Vehicle.

6. As a result of the investigation described more fully below there is there is probable cause to believe evidence, fruits, and instrumentalities of violations of Title 18

U.S.C. 1703(a) (Delay or Destruction of Mail and Newspapers) and Title 18 U.S.C. 1709 (Theft of Mail Matter by Officer or Employee) are concealed at the Target Premises and in the Target Vehicle.

PROBABLE CAUSE

7. USPS records establish CHRISTOPHER ALLEN (ALLEN) was hired by the USPS in 2013 and works as a rural carrier assigned to the Lewiston, New York Post Office. The Lewiston Post Office is responsible for mail deliveries in Lewiston, zip code 14092, and neighboring Youngstown, New York, zip code 14174. ALLEN is tasked with the permanent mail carrier assignment on rural route 901 (R901) in Youngstown, New York. ALLEN resides at 5529 Walmore Road, Lewiston, New York 14092 (Target Premises) as listed in ALLEN'S USPS employee database. A red 4-door 2017 Dodge Ram pickup truck, bearing New York State license plate HUC7495 (Target Vehicle) is registered to ALLEN at 5529 Walmore Road, Lewiston, New York 14092.

8. It is the goal of the USPS to deliver the mail in a timely and efficient manner. To this end, the USPS hires individuals to serve as city and rural carriers, commonly known as letter carriers. These employees are responsible for taking the mail to locations for delivery. Among the duties assigned to a letter carrier is to deliver all mail and parcels that are destined to an assigned mail route, and also to collect any outgoing mail that USPS customers place in outgoing residential mailboxes or in public blue drop boxes.

9. Once a letter or package has been accepted for delivery through any mailbox, drop box, or during an over-the-counter transaction, that item is within the care, custody, and control of the USPS until it is delivered at its intended destination. It is the duty of every USPS employee to protect and ensure the safe delivery of each mail item.

10. On April 7, 2021, I telephonically contacted a USPS customer, known hereafter as Customer 1, who resides at an address in Youngstown along R901. Customer 1 previously notified the USPS OIG of missing mail pieces from daily USPS delivery. From approximately January 2021 through March 31, 2021, Customer 1 estimated 20 first class envelopes and 15-20 standard mailings never arrived at Customer 1's residence. Customer 1 is enrolled in the USPS Informed Delivery (ID). USPS ID provides a digital preview of letter mail and packages scheduled to be delivered to USPS customers. The digital previews are emailed daily to enrolled customers. These e-mails provide customers with an understanding as to what mail those customers are going to receive on a certain date.

11. Customer 1 based the above listed estimation off e-mails sent from USPS ID. Amongst the missing items, Customer 1 noted credit card bills from Capital One, an unemployment mailing, an envelope from the Lewiston-Porter School District, a mailing from a SUNY college and "5 or 6" car payment bills addressed to a family member. Customer 1 estimated that since January 2021, four mail pieces arrived in the residential mailbox that were opened at the back flap. Customer 1 stated each envelope was a "letter" from a business or institution specifically addressed to Customer 1 or a member of Customer 1's family.

12. On April 8, 2021, I telephonically contacted a USPS customer, known hereafter as Customer 2, who resides at an address in Youngstown along R901. Customer 2 previously notified the USPS of missing mail pieces. From approximately January 2021 through March 31, 2021, Customer 2 estimated a combined 23 pieces of first class and standard mailings failed to be delivered to Customer 2's residence. Customer 2 is also enrolled in the USPS ID feature and based the estimation off daily e-mails sent from ID. Amongst the missing items, Customer 2 noted bank statements, a W2 form, numerous bills, envelopes with credit card offers, and a political mailing.

13. On April 8, 2021, I telephonically contacted a USPS customer, known hereafter as Customer 3, who resides at an address in Youngstown along R901. Customer 3 previously notified the USPS of missing mail pieces. Customer 3 estimated 12 or more pieces of letter mail, beginning in early March 2021, failed to be delivered to Customer 3's residence. Customer 3 is also enrolled in the USPS ID feature and based the estimation off daily e-mails sent from USPS ID. Amongst the missing items, Customer 3 noted two separate mailings from the Social Security Administration, an envelope containing a check from Principal Financial Group, and an envelope containing a greeting card sent from a family member residing in Florida.

14. On April 12, 2021, I conducted physical surveillance of ALLEN, operating USPS Long Life Vehicle, known hereafter as LLV #0211301, while ALLEN engaged in his delivery assignment. During the surveillance, I observed LLV #0211301 pull into the employee parking lot of the Lewiston Post Office, with ALLEN dropping items off at the

Target Vehicle. I later surveilled ALLEN in the Target Vehicle depart the Lewiston Post Office until he arrived at 5529 Walmore Road, Lewiston, New York 14092.

15. On April 19, 2021, I conducted physical surveillance of ALLEN along R901. Upon ALLEN'S return from delivery on R901, I observed ALLEN stop LLV #0211301 in the Lewiston Post Office employee lot and dropped off items at the Target Vehicle before parking LLV #0211301. I surveilled ALLEN depart the Lewiston Post Office in the Target Vehicle until he arrived at 5529 Walmore Road, Lewiston, New York 14092 (Target Residence).

16. On May 6, 2021, your affiant and a USPS OIG Technical Operations Officer installed a covert surveillance camera inside ALLEN's assigned LLV #0211301.

17. On May 11, 2021, I was notified via e-mail by Customer 1 of two undelivered mail pieces from May 10, 2021. Customer 1 noted the two items were envelopes from TCF Bank and the May 10, 2021 USPS ID notification e-mail indicated impending delivery of these envelopes. The items also failed to arrive at Customer 1's residence on May 11.

18. Continuing on May 11, 2021, I was notified by Customer 2 of two undelivered mail pieces. Customer 2 received an e-mail displaying incoming mail on the May 10, 2021 USPS ID notification. The ID e-mail showed two first class envelopes, one from Aetna Health and a second from a family member residing in Washington state. The second envelope was

a Mother's Day card containing a gift card. Customer 2 did not receive the listed first-class mail pieces on May 10 or May 11, 2021.

19. To date none of the missing mail items described above related to Customers 1 through 3 above have been reported to your affiant as delivered to the intended recipients.

20. I reviewed surveillance video footage of ALLEN's activities inside LLV #0211301 from May 7, 2021. At the listed surveillance video time of 8:31 a.m., ALLEN drove out of the Lewiston Post Office LLV lot. At 8:32 p.m., ALLEN stopped LLV #0211301 next to the Target Vehicle. ALLEN exited the LLV and opened the front passenger side door of the Target Vehicle. ALLEN exited the LLV and opened the front passenger side door of the Target Vehicle and retrieved a blue sided cooler which he placed on LLV'S driver seat. ALLEN placed what appeared to be keys to the Target Vehicle into to front pocket of the cooler, placed the cooler onto the floor of the LLV and began driving his delivery route. Below is a picture of ALLEN placing the blue sided cooler into LLV #0211301:



21. I reviewed surveillance video footage of ALLEN's activities inside LLV #0211301 from May 10, 2021. At the listed surveillance video time of 3:20 p.m., ALLEN was observed sorting through mailings from a USPS mail tray. USPS mail trays contain mail already sequenced for delivery on letter carrier routes. At 3:21 p.m., ALLEN placed mailings from the aforementioned tray into a black plastic garbage bag. ALLEN then stuffed approximately 10 handfuls of letter mail into the garbage bag before moving the garbage bag out of camera view.

22. I reviewed surveillance video footage of ALLEN's activities inside LLV #0211301 from May 13, 2021. At the listed surveillance video time of 1:49 p.m., ALLEN stopped the LLV and began sorting through mail pieces sitting in a USPS mail tray. At 1:50, ALLEN brought into camera view a green plastic bag. ALLEN then placed approximately eight handfuls of letter mailings in or around the green bag. I later observed ALLEN on video bring his blue cooler into camera view and place it onto the vehicle's cab tray. ALLEN proceeded to open the top of the cooler, revealing the aforementioned green bag. Mailings popped out of the green bag after ALLEN removed it from his cooler. ALLEN proceeded to stuff mailings back inside the green bag before tying it closed, placing the bag into the blue cooler, and shutting the top of the cooler. At the listed surveillance video time of 2:59 p.m., ALLEN stopped the LLV in the USPS employee lot and exited the vehicle with his blue cooler, briefly leaving camera view. ALLEN quickly returned to the LLV without the blue cooler before parking the LLV in the Lewiston Post Office LLV lot.

23. On May 13, 2021, physical surveillance of ALLEN was conducted along R901. After completing delivery of R901, as mentioned, ALLEN arrived at the Lewiston Post Office employee lot and parked LLV #0211301 next to the Target Vehicle. A USPS OIG Special Agent conducting physical surveillance observed ALLEN exit the LLV with the blue cooler and place the cooler into the passenger side of the Target Vehicle. I observed the Target Vehicle depart the Post Office lot and enter the Tops Express Convenience Store, located at 805 Cayuga Street, Lewiston, New York 14092 and directly across the street from the Lewiston Post Office. I observed ALLEN exit the store carrying one case of beer. ALLEN departed the lot in the Target Vehicle and travelled east on Cayuga Street, where I observed the Target Vehicle at the Magic Mist Auto Wash, 885 Cayuga Street, Lewiston, New York 14092. The Target Vehicle did not enter any car wash bays before departing the business.

24. The Target Vehicle was surveilled to until it arrived and parked behind the residence at 5529 Walmore Road. A USPS OIG Special Agent searched all of the garbage cans at the Magic Mist Auto Wash for evidence of mail theft and mail dumping with negative results. ALLEN did not have any opportunity to discard any items without being observed by agents prior to his arrival at the Target Premises.

25. On May 13, 2021, USPS OIG Special Agents inspected numerous wooded areas, culverts, and waterways along ALLEN'S delivery route of travel for evidence of mail theft or mail dumping. The searches concluded with negative results.

26. Based on the facts set forth above, there is probable cause to believe ALLEN uses the Target Vehicle to transport stolen United States Mail to the Target Premises where he stores or discards the stolen items of United States Mail. Accordingly, there is probable cause to believe that evidence of a crime, specifically, a violation of Title 18, U.S.C., Section 1703 and Title 18, U.S.C., Section 1709 will be found in the Target Premises and Target Vehicle.

SEALING REQUESTED

27. Due to the ongoing and covert nature of this investigation, and due to the possible arrest of ALLEN, your affiant respectfully requests that this Court seal the Search Warrant Application, the Search Warrants, the Search Warrant Affidavit and inventory return upon further order of this Court.

CONCLUSION

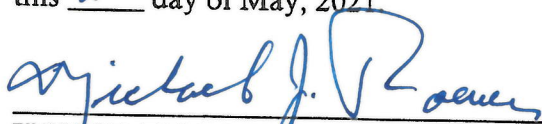
Based upon the foregoing, it is therefore respectfully submitted that there is probable cause to believe that the above-referenced properties, both the Target Premises and the Target Vehicle, contain fruits, evidence, and instrumentalities related to the delay, destruction, and theft of mail in violation of Title 18, U.S.C. 1703 and Title 18, U.S.C 1709.



BRENDAN M. BOONE
SPECIAL AGENT
USPS OIG / BUFFALO, NY

Sworn to telephonically

this 20th day of May, 2021



HONORABLE MICHAEL J. ROEMER
United States Magistrate Judge

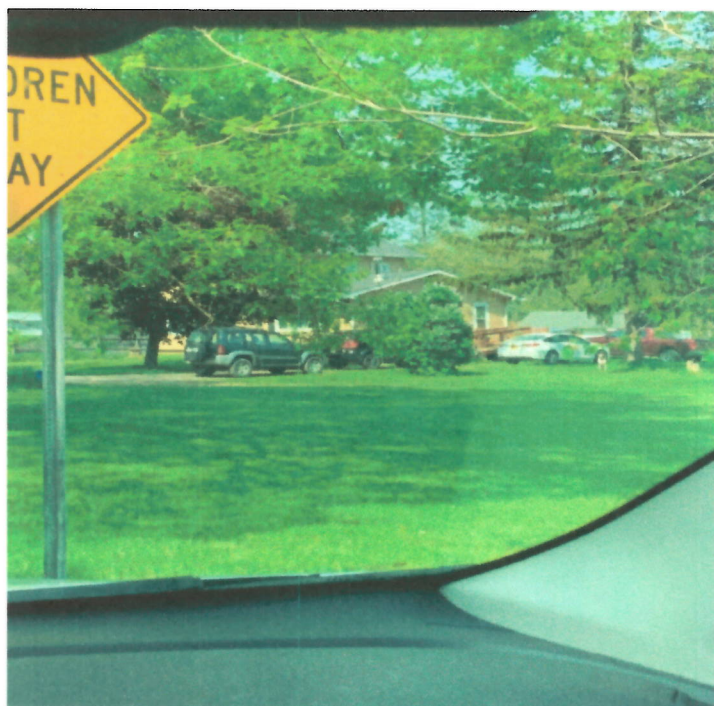
ATTACHMENT A

Properties to Be Searched

5529 Walmore Road, Lewiston, New York 14092 (“Target Premises”)

The Target Premises includes the residence, outbuildings, and residential property. The Target Premises residence is a two-story, single-family residence with tan siding, two picture windows with black shutters on the first floor, and three smaller windows without shutters on the second floor. The home is in a rural area on the Tuscarora Indian Nation Reservation. The entrance to the driveway is on Walmore Road. The residence is on the east side of Walmore Road and sits approximately 30 yards from the edge of the road. An entrance door is located behind a white storm door on the south side of the dwelling and at the end of a wooden ramp. A garage type structure is located directly behind the residence. A black mailbox affixed to a wooden post sits in front of the property just north of the driveway entrance. The mailbox has the numbers “5529” attached horizontally across the side, and the wooden post bears the numbers “5529” attached vertically. Photographs of the Target Premises are below:





Red 2017 Dodge Ram Pickup Truck, NYS Tag HUC7495 (“Target Vehicle”)

The Target Vehicle is a 4-door red 2017 Dodge Ram Pickup Truck bearing NYS Tag HUC7495 and registered to ALLEN at 5529 Walmore Road, Lewiston, New York, 14092. The truck has multiple stickers on the rear window, one of which includes a United States Air Force decal. The vehicle was observed in the driveway of 5529 Walmore Drive on April 12, April 19, May 18, and May 19, 2021. Photograph of the Target Vehicle are below:



ATTACHMENT B - Items to Be Searched For And Seized

The following items which constitute evidence, fruits, contraband, and instrumentalities of violations of Title 18, U.S.C. 1703 and Title 18, U.S.C. 1709:

1. Property belonging to, or entrusted to, the U.S. Postal Service, including mail, newspapers, parcels and envelopes torn or otherwise, gift cards, personal checks, cash, greeting cards, and receipts associated with such mailings;
2. Any mail not addressed to CHRISTOPHER ALLEN and/or any other resident of 5529 Walmore Road, Lewiston, New York 14092;
3. Documents concerning the ownership and residency of the searched locations, to including but not limited to utility and telephone bills, mailings, or addressed correspondence; and
4. Documents relating to the storage of items, records, or documents at any location, including but not limited to contracts and lease agreements for storage units or safe deposit boxes.